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AUG 17 2006

Technology Center 2100

In re Application of: Saito et al.)
Application No.: 09/785,204)
Filed: February 20, 2001) **DECISION ON PETITION UNDER 37**
Attorney Docket No.: 203391US6) **CFR §1.181**
For: INFORMATION PROCESSING)
APPARATUS AND METHOD AND)
PROGRAM STORAGE MEDIUM)

This is a decision on the petition filed October 3, 2005, under 37 CFR § 1.181(a)(3), requesting that the Notice of Non-Compliant Brief (37 CFR § 41.37), mailed September 2, 2005, be withdrawn. The delay in responding to the instant petition is regretted.

A review of the file record indicates that simultaneously with the instant petition, a supplemental Appeal Brief (also apparently submitted in response to the Notice of Non-Compliant Brief) was filed (October 3, 2005). Therefore, the instant application is being forwarded to the Examiner for prompt consideration (and treatment) of the supplemental Appeal Brief, which appears to be in compliance with 37 CFR § 41.37.

In view of the above stated reason, the instant petition, filed under 37 CFR §1.181(a)(3) to invoke supervisory authority to withdraw the September 2, 2005 Notice of Non-Compliant Brief, is rendered moot.

Accordingly, the petition is **DISMISSED as MOOT.**

In addition, Petitioner's request for credit in processing delays of the supplemental Appeal Brief and calculation of patent term extension is premature, as the instant application has not yet in fact been patented. Petitioner's attention is directed to 37 CFR § 1.701-1.750.

Telephone inquiries should be directed to Special Programs Examiner Brian Johnson on 571-272-3595.

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Computer Architecture, Software, and Information Security